

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

Ana R. Olivella Rivera  
**PLAINTIFF**

Vs.

Popular Leasing and Rental, Inc.,  
and others.  
**DEFENDANTS**

**Civil No. 98-2267**

**CREDIT COLLECTION  
DAMAGES**

**MOTION REQUESTING SANCTIONS**

TO THE HONORABLE COURT:

COMES NOW Plaintiff through the undersigned, and respectfully alleges and prays:

1. The Honorable Court ordered the parties to meet with the purpose to clarify, amend, modify or explain the Pre-Trial Order Memorandum filled before the Honorable Court, Tremating was set for June 13, 2006 at 4:00 p.m. **See enclosed attachment.**
2. Said pretrial order memorandum was filed first on November 2005 and later in amended form on May 2006.
3. The meeting was requested by attorney Mrs. Ana M. Otero, Esq., on the account that both attorney Otero and David López Pumarejo failed

to appear on the last pretrial magistrate conference held before Honorable Judge Gelpi on May 2006.

4. Prior to said pretrial, attorney López Pumarejo failed to appear on the November 2005, conference also held before Honorable Judge Gelpi.
5. Yesterday attorney Ana Otero, Esq. appear at our office around 4:10 p.m., but not so attorney López Pumarejo, who called around 5:15 p.m. stating he was late and around the Monte Hiedra area close to his office. Our office is in Caguas around Exit 30, Route 52 on the road to Cidra #172.
6. Undersigned told López Pumarejo that he had other professional activities due around 5:30 p.m. to 6:00 p.m., and more so I had to abide with our rigorous medication schedule.
7. Attorney López Pumarejo arrived around 5:40 p.m. to our office; after undersigned had left. His secretary Mariangelís Santana witness his arrival and he left his business card.
8. On the basis of the above, Plaintiff most respectfully request that severe sanctions be imposed to Defendant Popular Leasing and Rental, Inc., on the constant and temerarious attitude of its legal representative, who has failed to appear in three successive and different dates ordered by the Honorable Court, to wit: November 29, 2005, May 31, 2006,

and now June 13, 2006.

9. The patience of undersigned has been severely tested for in all of the occasion undersigned has wasted precious time (more than 10 hour) creating havoc and confusion in his other professional activities.
10. Plaintiff therefore seeks the elimination of all the allegation of co-Defendant Popular Leasing and Rental, Inc. in the complaint as a severe sanction to be imposed to Defendant and its legal representation.
11. Said request is made for said Defendant has violated in a flagrant and gross manner his obligation to appear before the pretrial conference held in this case as well as the lost meeting order by the Honorable Court.
12. Rule 16 (f) of the Rules of Civil Procedure typifies the sanction a U.S. District Court could impose; inclusive a sanctions which compromises the merits of a party's case. Lucien v. Brewear, 9 F3rd 26, 29 (7<sup>th</sup> Circuit 1993); Rice v. Barnes, 201 F.R.D. 549, 541; Hernandez v. Comiss Really Assoc., 182 F3d 121; Tower Ventures, Inc. v. City of Westifield, 296 F3rd 43, 45-46.
13. Therefore it is respectfully request that elimination of all the allegation against co-Defendant Popular Leasing and Rental, Inc. be entered as

the most appropriate sanction in this case.

**RESPECTFULLY REQUESTED.**

I CERTIFY that on this same date I have filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Attorney Ana María Otero and Attorney David López Pumarejo, at P.O. Box 195351, San Juan, PR 00919-5351 by regular mail.

In Caguas, Puerto Rico, this 14 of June, 2006.

**s/Rafael A. Oliveras López de Victoria  
Rafael A. Oliveras López de Victoria  
Attorney for Plaintiff  
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